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2/18/2010

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JUAN CARLOS CUELLAR; JOSE)
ALBERTO GARCIA; JORGE ALEGRIA;)
JORGE CALDERON; and ISMAEL)
CALDERON,

Plaintiffs,

v.

ANTHONY FIDEL ALAMILLO; FIDEL)
CABRAL ALAMILLO; CARRIE ANN)
ALAMILLO; C&F ALAMILLO STEEL, A)
PARTNERSHIP; AMERICAN)
CONTRACTORS INDEMNITY COMPANY;)
TRAVELERS CASUALTY AND SURETY)
COMPANY OF AMERICA; SAFECO)
INSURANCE COMPANY OF AMERICA;)
FIDELITY AND DEPOSIT COMPANY OF)
MARYLAND; JEFF LUCHETTI)
CONSTRUCTION, INC.;)
GONSALVES & STRONCK)
CONSTRUCTION COMPANY, INC.; PAGE)
CONSTRUCTION COMPANY;)
EVERGREEN SCHOOL DISTRICT;)
MENLO PARK CITY SCHOOL DISTRICT;)
CITY OF SANTA CLARA ,

Defendants.

Case No. C09-04047 JW RS

**NOTICE OF DISMISSAL WITHOUT
PREJUDICE AS TO AMERICAN
CONTRACTORS INDEMNITY
COMPANY**

1 NOTICE IS HEREBY GIVEN THAT PLAINTIFFS:

2 (1) JUAN CARLOS CUELLAR;

3 (2) JOSE ALBERTO GARCIA;

4 (3) JORGE ALEGRIA;

5 (4) JORGE CALDERON; and

6 (5) ISMAEL CALDERON

7 hereby dismiss defendant AMERICAN CONTRACTORS INDEMNITY COMPANY

8 **without** prejudice pursuant to FRCP 41(a)(2).

9 Dated: February 8, 2010

10 Respectfully submitted,

11 By: //s// Tomas E. Margain

12 TOMAS MARGAIN
13 Attorneys for Plaintiffs